

APPEAL NO. 040787
FILED MAY 20, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 10, 2004. The hearing officer determined that appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 11th through 15th quarters and that claimant has permanently lost entitlement to SIBs. Claimant appealed these determinations on sufficiency grounds and also contended that the hearing officer abused his discretion in failing to add an issue. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant asserts that the hearing officer abused his discretion in failing to add an issue regarding carrier waiver of the right to dispute SIBs. Claimant raised this issue in a January 27, 2004, response to the benefit review conference (BRC) report. We find no abuse of discretion in the hearing officer's ruling that claimant did not show good cause. Ignorance of the law does not excuse the failure to raise an issue at the BRC. Texas Workers' Compensation Commission Appeal No. 94253, decided April 18, 1994. Texas Workers' Compensation Commission Appeal No. 032868-s, decided December 11, 2003, was decided before the January 13, 2004, BRC, and claimant could have raised this issue in any case. We perceive no abuse of discretion in the refusal to add the issue.

We have reviewed the complained-of determinations regarding SIBs entitlement and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Veronica L. Ruberto
Appeals Judge

Margaret L. Turner
Appeals Judge